

Notice of Allowability

Application No.

10/766,917

Examiner

JAMES PILKINGTON

Applicant(s)

RAMAJOIS ET AL.

Art Unit

3656

-- **The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Board decision dated September 23, 2009.
2. ☒ The allowed claim(s) is/are 1,2,4-12 and 14-20.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

/JAMES PILKINGTON/
Examiner, Art Unit 3656

EXAMINER'S AMENDMENT

The application has been amended, according to the reversal of rejection of claims 3, 4, 11, 13, 14, 17 and 18 in the Board of Patent Appeals and Interferences response dated September 23, 2009, as follows:

IN THE CLAIMS:

Claim 1 has been changed to read as follows:

A vent assembly for a housing containing a lubricating fluid and accommodating a gear mechanism, said vent assembly comprising:

a hollow casing including a continuous side wall having at least one hole there through, the hollow casing having an opening formed in a lower portion thereof;

a vent tube extending within said hollow casing so as to form a cavity between an inner peripheral surface of said casing and an outer peripheral surface of said vent tube, said vent tube having a first open end disposed within said hollow casing and a second end extending outside said casing in communication with an external environment; and

wherein said first open end of said vent tube is beveled with respect to a length thereof and defining a long side and a short side along a longitudinal length of said vent, said at least one hole through said sidewall of said casing being located on a longitudinal first side portion of said casing adjacent said long side of said vent tube.

Claim 3 has been canceled.

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Claim 4 has been changed from "The vent according to claim 3" to - -The vent according to claim 1- -.

Claim 7 has been changed to read as follows:

A vent assembly in combination with a gear housing filled with a lubricating fluid and accommodating a gear mechanism, said vent assembly comprising:

a hollow casing secured substantially within said housing, said casing including a continuous side wall having at least one hole there through and terminating at a lower portion having an opening to facilitate return of entrained lubricant to said gear housing;

a vent tube extending within said hollow casing so as to form a cavity between an inner peripheral surface of said casing and an outer peripheral surface of said vent tube, said vent tube having a first open end disposed within said hollow casing and a second end extending outside said casing and in communication with an external environment relative to said gear housing; and

wherein said first open end of said vent tube is beveled with respect to a length thereof and defining a long side and a short side along a longitudinal length of said vent, said at least one hole through said sidewall of said casing being located on a longitudinal first side portion of said casing adjacent said long side of said vent tube.

Claim 11 has been changed to read as follows:

A vent assembly for a housing containing a lubricating fluid and accommodating a gear mechanism, said vent assembly comprising:

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a hollow casing including a continuous side wall having at least one hole there through, the hollow casing having an opening formed in a lower portion thereof;

a vent tube extending within said hollow casing so as to form a cavity between an inner peripheral surface of said casing and an outer peripheral surface of said vent tube, said vent tube having a first open end disposed within said hollow casing and a second end extending outside said casing in communication with an external environment; and

wherein said vent tube is non-truncated such that said first open end is obliquely formed and thereby defines a long side and a short side of said vent tube within said casing, said at least one hole through said sidewall of said casing being located on a longitudinal first side portion of said casing adjacent said long side of said vent tube.

Claim 13 has been canceled.

Claim 14 has been changed from "The vent according to claim 13" to - -The vent according to claim 7- -.

Claim 17 has been changed to read as follows:

A vent assembly in combination with a gear housing filled with a lubricating fluid and accommodating a gear mechanism, said vent assembly comprising:

a hollow casing secured substantially within said housing, said casing including a continuous side wall having at least one hole there through and terminating at a lower portion having an opening to facilitate return of entrained lubricant to said gear housing;

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a vent tube extending within said hollow casing so as to form a cavity between an inner peripheral surface of said casing and an outer peripheral surface of said vent tube, said vent tube having a first open end disposed within said hollow casing and a second end extending outside said casing and in communication with an external environment relative to said gear housing; and

wherein said vent tube is non-truncated such that said first open end is obliquely formed and thereby defines a long side and a short side of said vent tube within said casing, said at least one hole through said sidewall of said casing being located on a longitudinal first side portion of said casing adjacent said long side of said vent tube.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMES PILKINGTON whose telephone number is (571)272-5052. The examiner can normally be reached on Monday - Friday 7-3.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Ridley can be reached on (571)272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JAMES PILKINGTON/
Examiner, Art Unit 3656
11/24/09

/Thomas R. Hannon/
Primary Examiner, Art Unit 3656